IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13146 of 2005

Between:

Sri Dadi Tatarao, S/o (Late) Ramulu, Hindu, Male,
Door No. 3-20/1, Kothapalem Village, Gopalapatnam Post, Visakhapatnam District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Pendurthi, Visakhapatnam District.
2 Revenue Divisional Officer, Visakhapatnam District.
3 Station House Officer, Pendurthi Police Station, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in making attempts to dispossess him from 5 acres 87 cents covered by S.No. 242/1, 2 and 3, situate in Narava Village, presently Sathevanipalem Village, Pendurthi Mandal, Visakhapatnam District is illegal, arbitrary, capricious, without jurisdiction and in violation of principles of natural justice and violative of Article 300 (A) of Constitution of India and consequently to direct the respondents not to make attempts to dispossess the petitioner from 5 acres 87 cents of land in S.No. 242/1, 2 and 3 situate in Narava village, presently Sathivanipalem Village, Pendurthi Mandal, Visakhapatnam District or to pass any other order or orders in the interest of justice.

Counsel for the Petitioner:SMT.N.(P).ANJANA DEVI

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following :

O R D E R:

This writ petition is filed to declare the action of respondents in making attempts to dispossess him from the land measuring Ac 5.87 cents covered by S.No.242/1, 2 and 3 situate at Narava Village, presently Sathevanipalem Village, Pendurthi Mandal, Visakhapatnam District, as illegal, capricious, without jurisdiction, in

violation of the principles of natural justice and also in violation of Article 300-A of the Constitution of India and consequently direct the respondents not to make attempts to dispossess the petitioner from the said land.

The learned counsel for the petitioner brought to my notice that initially in a suit in O.S.No.491 of 2003 filed by one Bendapudi Mallikarjunarao on the file of the Additional Senior Civil Judge, Visakhapatnam, ad-interim injunction was granted to the petitioner therein, for which the petitioner herein filed counter affidavit, but failed to get vacation of the ad-interim injunction. Hence, this writ petition is filed to circumvent the order passed by the court below.

I do not see any reason to interfere with the order of the court below.

The writ petition is, therefore, dismissed. However, the order of dismissal does not preclude the petitioner to approach the competent Civil Court. No costs.

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E.DHARMA RAO J.,

Dt.20.06.2005

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To

1 Mandal Revenue Officer, Pendurthi, Visakhapatnam District.
2 Revenue Divisional Officer, Visakhapatnam District.

3 Station House Officer, Pendurthi Police Station, Visakhapatnam District.

4 2 C.Cs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT) 5 1 CC to SMT.N (P) ANJANA DEVI

6 2 C.D.Copies.